

Quid Navi



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A STORY I HEARD

Pete Wiazowski, BCL I

In response to the subtle proddings of the "writing on the walls" of Chancellor Day Hall, I have decided to *carpe diem* and make a contribution to the Quid. Although my submission is, admittedly, of little social import--a proposition with which I am completely comfortable--I do want to "make this [my] faculty" without going so far as appropriating its telephones, table-hockey games, or pool table piggy-banks. So, here is my little story (and yes, Rodrigo and Nick, like a lot of other things, it gets better the second time around).

"The Vicar and the Frog"

"This is the true but lamentable story of a good, a holy, but truly unfortunate man and his incredible experiences on a summer night and morning. He was, and had been for the preceeding years, the vicar of a small parish in the village of Middle Wallop. His cherished wife of some twenty years had recently departed her corporeal envelope, leaving the vicar a very lonely man indeed.

"A year ago, on a summer night at dusk, the vicar was strolling, as had been his wont for some many years, in the woods near his beloved church. He was meditating on the relationship of man and his Creator when he heard, 'Vicar! Vicar!'

"Although hearing the words, the vicar

completely ignored them as being auricularly irrelevant since these woods had always been his sanctuary, quite unmolested by interlopers of any sort.

"But, shortly, 'Vicar! Vicar!'

"Finding it impossible to avoid this interruption further, he turned to ascertain the identity of this incivility. There, at his feet, was a small green frog looking directly up at him, and, quite inescapably the origin of these bewildering words. Fully cognizant that the Almighty functions in mysterious ways, he accepted this phenomenon and directly inquired, 'Who are you? What right have you to address me? A frog? This is preposterous!'

"But the diminutive amphibian was not to be rebuffed by this challenge. 'Vicar. Please listen. Hear my sad story, and I know that you won't reject my plea.'

"'Get on with it, frog,' said the exasperated vicar.

'Vicar, I have been the victim of a terrible and evil witch who cast a spell on me and transformed me from a simple and good choir boy living in the next village to this present form, a lowly frog. She did this merely to demonstrate her power over such as me, and there is only one way to undo this horrible act. You must help me, vicar, because it is only you that can effect my release from this dreadful condition. My only hope is for you to let me spend one whole night in your bed, close to your goodness and holiness. That, if done, will break the spell and free me from the

witch's influence. Please, please help me, vicar. My life is in your hands.'

"Most reluctantly, the vicar acceded to this fervent, if odd, supplication. He escorted the frog, cupped securely in his hands, back to the vicarage, placed him beside him in his bed, and promptly fell off into a fitful sleep.

"At the breaking of the dawn the next morning the vicar turned over in his bed and saw there, lying snugly beside him a blue-eyed, curly-locked choir boy deep in slumber. At this exact moment, the vicar's housemaid entered the bedroom with the vicar's morning tea.

"And that, my lord, ladies and gentlemen of the jury, will be the case for the Defense."

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Announcements / Annonces

Notes from the Office of Undergraduate Studies:

COMMENCING MONDAY 19TH FEBRUARY 1996 NEW HOURS FOR OUS OPEN DAILY 0900-1600 HRS

Faculty budget cuts mean OUS resources have been reduced, yet the volume of work which passes through our office has not. We hope that this measure will result in more efficient service to students and we apologise for any inconvenience these revised hours may cause in the short-term.

STUDENTS WHO EXPECT TO GRADUATE IN JUNE 1996: you should check the convocation list posted on the board behind the OUS. If your name does not appear on the list, please see Christine Gervais immediately. You should be aware that the graduation information you input on MARS is not sufficient.

Did you know you can VIEW YOUR GRADES on OASIS? OASIS is a function which allows you to update certain personal information and to view your academic record. Some students have expressed concern that it is sometimes difficult to understand the voice on MARS as it speaks grades. OASIS is on the system in your

Computer Lab. Click on it sometime and find out what it can do for you.

A Reminder from the Law Library

Food and Drinks in the Library: Users of McGill Libraries are reminded that the Code of Users Behaviour strictly prohibits the consumption of food or drinks in all McGill Libraries.

Recently, a rash of eating and drinking has been occurring in the law Library. To counter this, Law Library Staff will be patrolling the library at irregular intervals. Persons who are found eating or drinking will be asked to remove their food and drink from library premises immediately.

Thanks in advance for helping to make the Law Library a cleaner and safer environment.

Annie MacDonald Langstaff Workshop

La conférence se tiendra le 14 février à 12h30 au local 202 du New Chancellor Day Hall.

Le titre sera "We can't go on together with suspicious minds: judicial bias and

racialized perspectives." et sera prononcée par Richard Devlin de l'Université de Dalhousie.

NEXT FREE COFFEE HOUSE SPONSORED BY DESJARDINS DUCHARME THURSDAY, FEBRUARY 15, 1996 AT 4PM BE THERE!

VALENTINE'S PARTY! QUOI DE MIEUX POUR COMMENCER VOTRE SEMAINE DE LECTURE!!! VENDREDI, 16 FEVRIER A 21H00 SEMI-FORMAL AT ARMOURY COTE DES NEIGES, 4185 Cote des neiges prévente: 3\$... la porte:4\$

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Rédacteur-en-chef/ Editor in chief:
Emmanuel Castiel

Directrice administrative/ Administrative Director:
Barbara Frederikse

Production:
Angela Hui
Anna Kapellas
Kiri Vanikiotis

Next deadline/ Date limite:
Febr./Févr. 14, 1996 @ 10 am

GRAD GRAD

John Saywell, BCL III

C'est parti!

The Grad Committee will be taking reservations in the PIT everyday this week starting at 11:30.

Preparations for the Grad Ball have been put into motion by the Graduation Committee. The evening will include dinner and disco atop the Olympic Stadium tower: cocktails, hors d'oeuvres, extravaganza multiple-course dinner with menu choices catering to everyone's tastes, open bar, professional disco, entertainment, prizes, and of course the company of some of the greatest people in the world!

Après le Bal, le party se poursuit à un endroit très connu à la faculté pour ses soirées (nuits) de débauche et de délire. Tout a été prévu à même le petit déjeuner!

Here's the deal:

1. Reserve a place for yourself and your date in the PIT between February 12 and 16 by giving a deposit of 25\$ each. This ensures your places for the great low price of 80\$ per student (70\$ for dates) and allows the committee to know in advance how many people to plan for.

2. Go to the PIT STOP as often as you like and accumulate your graditude dollars on special items which can be applied toward the price of your full admission ticket.

3. Confirm your places and receive your tickets in the PIT during the week of March 11-15 by paying the balance on your admission price. At that point we'll need your choice of menu and you'll get the special edition GRAD DIRECTORY - memorabilia and forwarding addresses of your friends so you can keep in touch.

Here's the catch:

You need to reserve your places this week, otherwise the full March price will be 15\$ more per person.

Des questions? des idées? Venez nous voir au PIT la semaine prochaine!

ROBINSON SHEPPARD SHAPIRO
1920

RECRUITMENT
1996
ROBINSON SHEPPARD SHAPIRO

*It is in the choice of the best grapes
that superior vintages develop.*

*Articling students selected
with the greatest care can assure
a career that will not go sour.*

*Join the team that gets better
year after year.*

SELECTED AND RECRUITED BY
Me Jacques Bouchard Jr.

ROBINSON SHEPPARD SHAPIRO
800, Square Victoria, Suite 4700,
Montréal, Québec, H4Z 1H6

McCord a Priority

Alex Roshuk, Nat. IV

On January 15 the archivist of the McCord Museum of Canadian History was summarily dismissed and the McCord Archives closed to new researchers. Only McCord trustees were aware of the decision. Students, professors, researchers, and funding sources were not consulted before the museum made its decision. The Director of the McCord Museum, Claude Benoit, has stated that they had to layoff staff members because of the current economic climate and the museum's \$300,000 plus deficit. Archives, it seems, are not much of a priority to the museum.

Why should this be of interest to McGill law students, you ask? Today, downsizing, re-engineering, layoffs, etc. are common. Why is the McCord Museum any different? We live in a difficult economic climate. Or do we? Many of these corporations that layoff their employees announce larger and larger profits to their shareholders. Senior management is rewarded after laying off hundreds, sometimes thousands of workers. They open new factories in third world countries. Moral or immoral, this may just be the nature of shareholder capitalism.

However, the McCord does not have shareholders. It is not driven by the profit motive. It was created by McGill University as the custodian of the University's extensive historical holdings. In order to maintain this custodial relationship, four University professors sit on the Board of the McCord, including Principal Shapiro and Professor Tetley, of our Faculty. Even the building, renovated three years ago by over \$25 million in private funds, belongs to the University. Those renovations will revert at the end of a contract of emphyteusis with the University. And unlike a private shareholder corporation, the McCord has a public purpose, it is the custodian of the largely untold history of many Montreal families and private associations. When it was incorporated, it was to be an educational, teaching museum, to educate about Montreal, Quebec and Canadian

history. How can it serve that purpose if it does not have an adequate archival staff?

The archives of the McCord are also of interest to law students and members of the law profession generally. Last year I visited the archives to research several projects dealing with Quebec and Lower Canadian law before confederation and codification. Many members of the McCord family were jurists, three were judges, and all were fastidious in their record keeping. Papers relating to the founding of McGill, records of Justice Badgley and papers of other notables like Louis-Joseph Papineau can be found in the McCord archives. Those artifacts could tell us much about the history of the city, the province and of the country. They could tell us much about the unique heritage of the pluralistic legal culture of Lower Canada. They should not be locked away inaccessible to new researchers.

Management is often about balancing the budget. Today, managers are required to make hard choices; but managers often look for easy solutions. "Close departments that do not appear to be cost effective." "Cut out the gravy." This is the hard nose management philosophy we hear being repeated endlessly at corporate annual meetings. But is this really an enlightened way to manage a cultural institution such as the McCord? Are these principles, which may be effective in market driven activities applicable when we are talking about preservation and appreciation of our common heritage? Could not another solution be discovered, one which helps us to appreciate our heritage, rather than making it into Disneyworld history that is assessed by attendance figures and sales in the McCord's gift shop and food concession?

McGill University has played a significant role in the history of Montreal, Quebec and Canada. The archives of the University, of which the McCord archives are just a portion, are sizable. Many are contained in our law library. Yes, they are expensive to maintain and preserve. But in this era of

making McGill more competitive as a world class university, do we have any hope that the administration will understand that what McGill is also depends on what McGill was? In this writer's opinion the University should make it a priority to preserve and manage its archival holdings. Only if made accessible can they help to uncover the unknown past and only by uncovering that past, can we ever hope to know who we are now, and who we might become.

TOP 10

By Steven "Counsel for the Appellant" Leitman, BCL II

Top Ten Submissions from Appellant's Factum:

10. It is respectfully submitted that respondent is a butthead.
9. Justice Jean Bienvenue stated ...
8. Appellant submits that she has incriminating pictures of each judge on the bench.
7. It is contended that respondent cannot possibly know the Caramilk secret.
6. Appellant submits her top ten reasons for overturning the lower court ruling...
5. The Trial Judge erred because he's stupid.
4. Appellant will give you 50 bucks if you rule in her favour.
3. Appellant submits that you can't handle the truth.
2. Appellant submits that she loves you.
1. Trust us. We're right.

In Vogue With Students ?

Here is the third in a series of articles introducing new faculty members of McGill Law school. The following article features Professor Shauna Van Praagh. Although she has been at the faculty for three years now, this is her first as full-time professor.

Eddie Look, BCL III

Within her first three years of teaching in our faculty, Professor Shauna Van Praagh has already created quite a stir amongst her students. For those who were not with us last year, Professor Shauna Van Praagh was selected for the '94 - '95 'LSA's Teaching Award".

As a young professor, she has achieved a number of substantial accomplishments. She graduated from the University of Toronto with High Distinction in BSc and completed her LLB with Honours. Following graduation, she clerked with the then Chief Justice Dickson. After obtaining an LLM from Columbia University School of Law, she went to King's College London Law School as a visiting Scholar and co-taught an LLM "Child Law" seminar. Thereafter, her final destination...McGill. As a Junior Boulton Research Fellow, she taught "Children and the Law", adding "Feminist Legal Theory" to her teaching portfolio as an Assistant Professor in her second year. Now, in her third year, she is teaching two more courses, Torts and Identity Crisis: Legal Theory and the Challenge of Diversity.

So why did she become so popular? Having spoken to over half a dozen of her last year's students, I was overwhelmed by their unequivocal enthusiasm about her courses and teaching methodology. So really, what is the secret? A sample of her student's responses include:

1. "Shauna", so they call her if not up front
2. Approachable
3. Fiercely but constructively demanding

- pushing students to their potential
4. Young and inspirational as a role model
5. Enthusiastic, dedicated and energetic

Many of her former and/or current upper year students have especially been excited about the faculty's move in placing her on tenure track this year. One upper year student "has never felt so genuinely thrilled about Shauna's success in securing such a position especially in view of the few female faculty members who have secured the same". Another felt that her overall attitude and style both as a Professor and as a person breaks rank with the traditional "Old Boy's Club".

So... how does "Shauna" do it? In an interview with her, she suggested that I ask the students themselves. I did and thus a sample of the result above. Professor Van Praagh did allude to her teaching methodology as a possible contributing factor. Teaching certain legal issues, she would divide the seminar group into smaller subgroups, encouraging more inter-student discussion. This technique has also been applied to her larger torts class. In her seminar courses, she divides her class into groups of students who are then expected to make critical comments on certain assigned readings. Students are also responsible for leading a session to discuss about issues, concerns, questions....

Professor Van Praagh also suggested that the seminar environment was inductive to greater student participation and satisfaction. Having taught all seminar courses in her first two years, what is the response of her students from her larger Torts class this year? Having sampled over half a dozen students in such a large class may not do justice to statistical analysis but here is a preliminary overview. Most of those students interviewed were impressed by her approachability, accessibility and sincerity. Not knowing what to expect in law school, several students felt it difficult to comment on her pedagogical style. Her

detailed marking scheme has been an oscar for those who enjoy feedback. This has also been remarked by her seminar course students.

Overall, this establishes a pretty impressive track record for a Professor who has just recently been hired on as a full time permanent fixture in our faculty. Congratulations, by the way. So... why did she choose McGill? She has taught in one capacity or another at Columbia University and King's College London Law School. She also graduated from the University of Toronto Law School. From this sample of law schools, Professor Van Praagh felt that McGill Law students strike her as being not only intellectual but also extremely well rounded. Many students have taken initiatives in other law related activities such as organizing conferences and lectures in the faculty.

Given her teaching commitments, does Professor Van Praagh have any spare time to become involved in the faculty? It appears that she is currently acting as the Chair of the Ad hoc Committee on Curriculum Reform while still trying to work on her PhD thesis at Columbia University. Being involved with the Annie Macdonald Langstaff Workshop leaves her even less time for research. Much of her research work throughout the academic year has been squeezed out by her teaching commitments and faculty commitments, leaving only summers as her research times. She is also working with Professors Janda, Macdonald, and Webber on a research on Critical Plural Legalism.

Wow... does she have more than 24 hours a day or are my days just shorter. It seems that her dedication to teaching and involvement within the Faculty do not engulf her social life. Within the past three years, she has explored some of Montreal's restaurant and the city life. Furthermore, and after some inappropriate probing, it appears that there is a significant other in her life also in our faculty...

A Part of Our Heritage

Kiri Vanikiotis, Nat. IV

Skit Nite is a month away. On the 14th of March, as we do every year, McGill law students will put on a show to raise money for Montreal charities. Last year, over \$20,000 was raised for Chez Doris, Dans La Rue, and Old Brewery Mission. This year, a fourth charity has been added: Share the Warmth. It is an event that they look forward to every year because of the donations and because of the exposure it gives these very worthy organizations. They appreciate it so much that representatives of these organizations attend Skit Nite and pretend to understand our inside jokes. Presumably, we enjoy it because it allows us to display our latent yet considerable talents. It also provides us with an opportunity to shed the selfish lawyer image and give something to segments of our society that are in dire need of our help.

Why am I writing this article? Because Skit Nite (or in french, "Mesquite Nuit")

does not put on itself. Every year, dozens of dedicated students devote more time than they can spare in order to make Skit Nite/Mesquite Nuit a success. There is always a lot of work to do and we need your help. The more people help, the less each individual needs to do. What can you do? Write skits. Write songs. Paint scenery. Solicit donations. Act. Sing. Dance (as long as it's not too dangerous!). Solicit donations. Pour beer. Or just simply show up on the 14th of March, buy a ticket - and a beautifully designed T-shirt that you'll treasure for the rest of your lives - and enjoy the show.

I know the anticipation is now killing you, so here's some more information. We chose a slightly different theme than in the past: Legality Bites. It's a TV station run by lawyers. Oodles of possibilities. So write skits about anything you want; don't worry, we'll work it into the theme. This is your chance to make fun of professors in relative anonymity and complete

impunity. They enjoy it. Really, they do.

En plus, il nous faut des skits en français. Chaque année nous n'avons qu'un ou deux skits en français. Ce n'est pas assez. La Mesquite Nuit est un événement pour toute la faculté. Si on trouve qu'il y a des éléments qui sont absents, il faut s'impliquer afin de les inclure. On veut que la Mesquite Nuit soit accessible à tout le monde de la faculté.

If any of what I've written interests you in any way, contact the Skit Night co-chairpersons, Stéphane Duranleau and Dominique Hussey. Deadlines are fast-approaching, so ACT NOW! Auditions for skits will take place on the 4th and 5th of March. Fundraising has started, so if that's your bag, talk to Jody Macdonald and Ariel Deckelbaum, whose titles are too long to mention.

Remember the old chemistry joke: if you're not part of the solution, you're part of the precipitate.

LAW LIBRARY USED BOOK SALE

WHEN: Thursday,
February 15, 1996 10:00
AM to 4:00 PM

WHERE: In the Pit

Come and see the variety of books for only \$5.00 each (firm) Funds collected from this sale will go to purchasing new book

Jus Singulare

Harry Drikanian, Nat IV

At the risk of starting a debate that once raged furiously on the pages of this beloved newsletter between Jody (of JodyTalk) and a number of professor's, I would like to highlight part of a judgment I found while researching a topic in bankruptcy law. The case is jurisprudence, as they say, and the appellate court's statements quoted below are obviously obiter.

"I must confess, at the outset, that I am always irritated by case references which overwhelm the reader with multiple citations of where the case can be found. Where there are multiple citations available why not just use one citation and, if some kind of logic is necessary to decide what citation is best, use that which is most commonly within reach of the bar and bench ("national" reports as opposed to local reports)". Tkachyk. v. Delton Co-operative (1994), 25 C.B.R. (3d) 14 (Alta. Q.B. [In Bankruptcy]).

When Jody Talk's even judges listen. Cite Guide editor, take note.